IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 11156 of 2004

Between:

1 Areti Subba Rao, s/o.Narayana
R/o.Buttaigudem, W.G.District.
2 Karatam Chinnarayudu, S/o.Nagaraju,
R/o.Buttaigudem, W.G.District.
3 Karatam Tenugin, S/o.Babu Rao,
R/o.Buttaigudem, W.G.District.
4 Karatam Suribabau, S/o.Pedda Rayudu,
R/o.Buttaigudem, W.G.District.

..... PETITIONERS

AND

1 The Deputy Registrar of Cooperative Societies, Kovvur, W.G.Dist.
2 The Muppinivari Gudem Primary Agricultural Cooperative Credit

Society Ltd., Buttaigudem W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or direction particularly one in the nature of writ of Mandamus declaring the order passed in M AS 58/04 in O.A.No.65/04, M.a.59/04 in O.A. 66/04, M.A.60/04 in O.A.67/04 and M.A.61/04 in O.A.68/04 dt.22-6-2004 on the file of the A.P.Cooperative Tribunal Vijayawada as contrary to the Mandatory provisions of A.P.Coop.Societies Act and the rules framed thereunder besides being violative of Art 14 of the Constitution of India.

Counsel for the Petitioners: MR.V.S.R.ANJANEYALU

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent No.2: - - -

The Court made the following :

ORDER:

The petitioners assail the orders passed by A.P.Cooperative Tribunal, Vijayawada, whereby and whereunder they were directed to pay fifty per cent of the amount involved in each case. Be it noted, aggrieved by the demand notice issued by respondents, the petitioners filed O.A.Nos.65, 66, 67 and 68 of 2004 and sought stay of execution, whereupon the impugned order came to be passed on 22.06.2004.

The only contention raised by the learned counsel for the petitioners is that even as per the Arbitration Award dated 26.05.1983 passed against the petitioners 1 and 2 herein (erstwhile Directors) and petitioners 3 and 4 herein (legal heirs of the erstwhile Directors), the amount is Rs.22,643-66 ps and if the orders passed by the learned Tribunal are given effect to it, far exceeds the amount mentioned in Rule 11 of A.P.Cooperative Tribunal (Procedure) Rules, 1994.

There is no denial that the award was passed in 1983 for an amount of Rs.22,643-66 ps., but due to lapse of time, a demand notice/public auction notice under Rule 54 of A.P.Cooperative Societies Rules, 1964 was issued for a sum of Rs.99,480/-. Four appeals were separately filed by the petitioners challenging the four demand notices. Therefore, even if fifty per cent of the amount is leviable, if the impugned order of the Tribunal is sustained, the amount now ordered to be paid far exceeds fifty per cent. Therefore, there is force in the submission of the learned counsel for the petitioner.

The writ petition is therefore disposed of directing the petitioners to deposit a sum of Rs.12,000/- each within a period of three weeks from the date of this order to the credit of the respective appeals/applications filed by the petitioners before the learned Tribunal. In default of which, the orders of stay passed by the learned Tribunal shall stand vacated and it shall be open to the respondents to execute the Award. The learned Tribunal is also directed to dispose of the appeals within a period of six weeks from the date of receipt of this order.

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(V.V.S.RAO,J)

20.06.2005

pln

To

1 The Deputy Registrar of Cooperative Societies, Kovvur, W.G.Dist.
2 The Muppinivari Gudem Primary Agricultural Cooperative Credit

Society Ltd., Buttaigudem W.G.Dist.

3 The A.P.Cooperative Tribunal, Vijayawada

4 Two CCs to Government Pleader for Cooperation, High Court

Buildings, Hyderabad (OUT).

5 2 CD copies.

6 One CC to Mr.Anjaneyulu